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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

March 18, 1996

**VIA HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

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RE: Telecommunications Services -- Inside Wiring, Customer  
Premises Equipment, CS Docket No. 95-184

Dear Mr. Caton:

On behalf of the National Association of Real Estate Investment Trusts® ("NAREIT"), I wish to thank you for this opportunity to comment on the Federal Communications Commission's (the "Commission") Notice of Proposed Rulemaking related to telephone and cable wiring inside buildings. NAREIT represents over 270 real estate investment trusts ("REITs"), over 40 of which are publicly-traded office or multi-family housing companies with a total market capitalization of over \$15 billion.

The request for comments raises the following issues: access to private property; standards for connections; regulation of wiring; and customer access to wiring.

**Access to Private Property**

NAREIT believes that government regulation in this area is not necessary to ensure that telecommunications service providers will be offered an opportunity to serve REIT office or apartment community tenants. Today's competitive environment for attracting and retaining quality tenants to office and multi-family properties ensures that REITs and other property owners will increasingly provide tenants with access to efficient telephone, cable television and other developing telecommunications services.

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Further, NAREIT believes that regulation likely may have the unintended effect of limiting tenant access to important telecommunication services by interfering with the critically important role of REITs and other property owners in: (1) coordinating the relationship between tenants and service providers; (2) effectively managing the limited space available for the installation of wiring and facilities related to such services; (3) ensuring the security of tenants and visitors; and (4) ensuring compliance with local safety codes.

Service providers, left unchecked by property owners, can not be expected to properly consider the tenant need for their product against the limited space available in each building for the installation of such services. In addition, NAREIT believes that it would be unfair to expect REITs and other property owners to ensure tenant safety and compliance with local building codes if they would have no control over the work that service providers will perform, the service providers' personnel and the repetitiveness of work from numerous service providers.

Also, by stripping property owners of control over their property, they are subject to actions of service providers that need not be concerned with the affect and cost of their repetitive installations or the quality of life issues from recurring installation operations that may result in a property's loss of quality tenants.

NAREIT believes that REITs and other property owners are in the best position to consider the issues addressed above. In fact, as quality property managers, REITs have already begun the process of assessing their tenants' telecommunications needs and arranging to have service providers meet those needs. Accordingly, NAREIT urges the Commission to carefully consider all of these factors before reaching a decision to require property owners to relinquish control over access to their private property.

### **Connections**

NAREIT believes that it is unnecessary for the Commission to issue technical standards for connections in light of the standards already established and widely followed by the telecommunications marketplace.



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### **Regulation of Wiring**

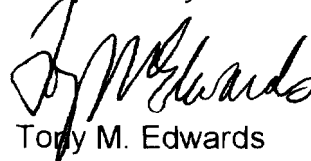
NAREIT has no comment on the merits of any particular scheme for regulating inside wiring. However, NAREIT suggests that the substantial differences between residential and commercial buildings probably does not support the adoption of uniform rules for all types of property.

NAREIT also is concerned that the government might impose a huge new expense on telecommunications service providers and building owners by requiring retrofitting of existing buildings. NAREIT believes that such matters should be left to the ongoing discussions regarding amendments to the Model Building Code. Except when safety is involved, amendments to the building and electrical codes are seldom retroactive.

### **Customer Access to Wiring**

NAREIT has no objection to permitting a tenant to install or maintain its own wiring or buy the wiring from a service provider subject to requirements that the wiring not extend beyond the limits of the demised premises, and the building owner retains the right to obtain access to the wiring as well as control the type and placement of such wiring. NAREIT also believes that the building owner should have a superseding right to acquire or install any wiring. In any case, a tenant's right to acquire or install wiring should be governed by state property law and the terms of the tenant's lease.

Respectively submitted,



Tony M. Edwards  
Vice President and General Counsel